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MEMORANDUM

To: Special Committee on Government Overreach and Impact of COVID-19 Mandates
From: Office of Revisor of Statutes
Date: November 12, 2021
Re: Overview of 22rs2356

The proposed draft of 22rs2356 would require exemptions from employer COVID-19 vaccine requirements and provide for waiver requests and a civil action for violations related to exemptions.

The draft proposes a new section of law that would require an employer that implements a COVID-19 vaccine requirement to exempt an employee from such requirement if the employee submits a written waiver request that meets one of two statutory options:

(1) An employee may state that complying with such requirement would endanger the life or health of the employee or an individual who resides with the employee, as evidenced by an accompanying written statement signed by a physician licensed by the state board of healing arts or an advanced practice registered nurse licensed by the board of nursing.

(2) An employee may state that complying with such requirement would violate sincerely held religious beliefs of the employee, as evidenced by an accompanying written statement signed by the employee. An employer shall grant an exemption requested on the basis of sincerely held religious beliefs without inquiring into the sincerity of the request.

The draft defines “COVID-19 vaccine requirement” to mean that an employer: (A) Requires an employee to receive a COVID-19 vaccine; (B) requires an employee to provide documentation certifying receipt of a COVID-19 vaccine; or (C) enforces a requirement described in subparagraph (A) or (B) that is imposed by the federal government or any other entity.

The draft provides that an employee aggrieved by a violation of this section may bring a civil action in an appropriate district court against an employer for injunctive relief and actual damages caused by such violation. In addition, the court shall award a prevailing plaintiff the cost of the suit, including reasonable attorney fees.